

## MARCH MEETING MINUTES

March 20, 2006

## VILLAGE OF LYONS

212 Water Street, P.O. Box 175  
Lyons, Michigan 48851  
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[villageoflyons@lyonsvillage.org](mailto:villageoflyons@lyonsvillage.org)

Meeting called to order at 7:00 p.m. by President Russell.

Pledge of Allegiance

### Roll Call:

Jim Shattuck	P	Paul Tunell	P	Stan Nave	P
Carrie Webster	P	Rosie Ferris	P	Ann Randall	P
Bernie Russell	P				

### Also Attending:

Jill Stilson	P	Linda Rairigh	P	Susan Craft	P
Steve Larson	P				

### Guest Attending:

Bryon Bennett	Cora Leiter-Garcia	Tim Jasman
Dale Leiter		

A request of the Council for a hearing of a personnel issue in closed session was made by Susan Craft. Motion to approve a Hearing of the Personnel Committee in closed session on a personnel issue to commence after adjournment of Regular meeting and said Committee may ask other members of the Council to attend offered by Trustee Webster, second by Trustee Ann Randall and all are invited to attend, **Motion carried by voice vote.**

Motion to approve Agenda with addition of Closed Session offered by Trustee Webster, second by Trustee Tunell, **Motion carried by voice vote.**

### Public Comment:

Resident Dale Leiter asked why we are sending bills and letters to him at 250 South Hawley, made it known that he does not own the property located at 250 South Hawley Street, Lyons, MI. Mr. Leiter declined to identify the owner stating he does not own anything there. Linda Rairigh asked if this also included Taxes. Mr. Leiter stated "I don't own nothing there." Thank-you Have a Good Night.

Guest Speaker: None

### Presidents Comments:

1. Would the council be interested in having their meeting packets sent by Email? The response was negative. The minutes would be ok but not the financial reports
2. The office has received the check from Roman Schaefer
3. Invoice from Miller, Johnson, Snell, & Cummiskey invoice for \$1,300.00. January 26 charges were for 190.00 Water and Sewer of muliti-units wrote amended ordinance. January 27 charges were for Roman Schaefer's trees, and Sayers Tree Service cost of 600.00. January 30 & 31 cost shows the cost of the hold harmless letter for the bid winner of the tree removal and trimming to be \$510.00. Bill Deal is still \$120.00 outstanding for wood load sold on behalf of the Village. We have received 370.00 at this time. I have placed two calls, and left

messages for remaining balance have not received return calls as of today. Trustee Nave stated he had spoken with Rick White, local tree trimmer, concerning a customer (Kay Perpich) who had agreed to allow him to keep the fire wood from a tree for \$100.00 with the stipulation they clean up all of branches and other trimmings. He went to retrieve his trailer, returned and wood had been given to a neighbor. Brush was placed at the curb, and it was requested the Village not to pick it up.

4. Village wide spring clean-up will be May 13, 2006, will be the same day as Muir's clean-up.
5. All invoices and letters must originate from the Village office.
6. Request to send Jill and Linda to training at the BS&A offices for payroll and accounting at the cost of \$ 195.00 each. Motion to send Jill and Linda to BS&A for training at the cost of \$195.00 each offered by Trustee Shattuck, second by Trustee Ferris, **Motion carried by voice vote.**
7. Letter was sent to Mr. Gross, (AJ Brown's lawyer), to get release signed for capping the wells at the old school house. A deadline of March 27<sup>th</sup> was given to have the release signed and returned to the Village Office. Trustee Webster stated that the registered letter she sent did encompass all of the wells. Jill Stilson responded that the only reply received was for the two wells located at the old school house. President Bernie Russell stated he had a meeting with Diane Smith of Ionia County Economic Alliance; she has funding lined up to do the Thirty Thousand Dollar, phase two environmental testing at no cost to Mr. Brown, he doesn't want any thing to do with it. "It's Free", Mr. Brown stated that the people in Lyons are evil and doesn't want any thing to do with us. The next step is to start legal procedures.
8. Eight-Cap, Inc. has sent a thank-you letter for all of the assistance we have given to the school.
  - \* Jim Hegarty of Prein and Newhof sent information about the dam, and to let us know that the grant we submitted is still active. We have paid for writing the grant and for part of the dam study. Up dated cost will be in next months packets.
  - \* We received a Work Plan for a five year Parks and Recreation Master Plan from Dave Bee. Cost Proposal not to exceed \$ 1,600.00. Bryon Bennett's park project could be part of this grant process. We were told that there could be as much as forty to Forty-Five Thousand dollars available as part of this grant.
  - \* Received invoice from Muir for \$ 13,332.56 for Lyons remaining share of the Sewer Pond Grant, showing final cost for clean-up of Sewer Ponds. Included in packets it the cover letter with cost, we have paid to date Eight Thousand dollars our expected share of cost was to have been forty thousand dollars.

Motion offered by President Russell to Re-appoint Jill Stilson to the position of Village Clerk for a three year term, second by Trustee Ferris. Roll call;

Rose Ferris	Y	Ann Randall	Y	Jim Shattuck	Y
Carrie Webster	N	Stan Nave	Y	Paul Tunell	Y
Bernie Russell	Y	6 Yeas, 1 Nay		Motion carried	

**ORDINANCE No. 2**  
**APPOINTMENT OF CLERK AND TREASURER ORDINANCE**  
**ADOPTED AUGUST 9<sup>th</sup>, 1999**

An ordinance to provide that the office of village clerk and the village treasurer shall be filled for a three year term by nomination by the village president and appointment by the village council.

**THE VILLAGE OF LYONS ORDAINS:**

**NOMINATION AND APPOINTMENT OF VILLAGE CLERK AND VILLAGE TREASURER:**

**SECTION 1.** As authorized by Chapter 11, Section 1 (3) of the General Law Village Act, being Act 3 of the Public Acts of Michigan of 1985, as amended, the village clerk and the village treasurer shall be chosen by nomination by the village president and appointed by the village council.

**SECTION 2.** The terms of the Clerk and Treasurer shall each be for three years from the third Monday of March of each even numbered year and until a successor is appointed. The person first appointed as village clerk under this Ordinance shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the village, together with the filing of any bond required by the law, but such initial term shall commence not earlier than the third Monday of March 2000.

**SECTION 3.** This Ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than 10 percent of the registered electors of the village is filed with the acting village clerk or village office within such 45 days. If any such valid petition is filed within such period of time, this Ordinance shall then take effect only upon its approval at a village election held on the question of whether the Ordinance shall be approved. Notice of any delay effect of this Ordinance and the right of petition under this section shall be published separately, at the same time and in the same manner as the Ordinance or a notice of the Ordinance is published in a local newspaper of general circulation. In the event any such valid petition is filed, the question of approval if this Ordinance shall be submitted at the next general village election or special election.

**SECTION 4.** The village president or his designee shall arrange for the, required publication of a notice of adoption of the Ordinance and publication of notice of the right of petition, as stated above.

**SECTION 5.** This Ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the village of Lyons Council

YEAS: Randall, Ferris, Shattuck, Nave, Tunell, Russell

NAYS: Webster

ORDINANCE DECLARED ADOPTED August 9, 1999

ADOPTED: August 9<sup>th</sup>, 1999 PUBLISHED: August 16<sup>th</sup>, 1999

AMENDED: March 20, 2006 PUBLISHED: \_\_\_\_\_

MDOT contract two copies signed and returned to MDOT, copies have been sent to our financial consultants and to our engineers. It has been read by Susan Craft, and reviewed by Linda Rairigh. The estimated construction cost will be Four Hundred Ninety-Nine Thousand Three Hundred (499,300.) dollars. MDOT grant portion will be Four Hundred Six-One Thousand Six Hundred (461,600.) for construction cost. The plan for bonds will be issued for One Hundred Seventy Five Thousand (175,000.) dollars for fifteen years. Payments will be approximately Sixteen Thousand (16,000.) dollars per year. Interest payments will be due April 1 and October 1 with the first interest payment April 1, 2007. Principal payments will be due October 1 beginning 2007. The Bond Authority's bond is AMBAC Insured, and any Municipality going through the Bond Authority must buy AMBAC Insurance. The smaller the bond amount the higher the cost. For us it would be cost prohibitive. Council will need to have a Special Meeting to adopt a special bond resolution on Tuesday, March 28, 2006 at 6:30 p.m. Treasury bond application will be prepared; it then takes thirty days to get approval from Treasury. Tom Traciak will be setting things up with Independent Bank for the money we will need to borrow, if deal isn't what he thinks it should be, he will then look to Ionia County National Bank or others. Time is an issue at this point and we need to get this going.

Linda Rairigh requested additional hours to work on the Bond project. Motion offered by Trustee Webster to adjust Linda's hours by twenty to accommodate the Bridge Street Bond Project by council approval, Motion second by Trustee Randall, **Motion carried by voice vote.**

Motion to approve Road Project # 2 Resolution to authorize the Village President, Village Clerk and Village Treasurer to sign and authorize contracts offered by Trustee Randall, second by Trustee Tunell, **Motion carried by voice vote.**

[Resolution No. 2 – Road Project (2006)]

**VILLAGE OF LYONS**

At a regular meeting of the Village Council of the Village of Lyons, Ionia County, Michigan, (“the Village”) held at the Village offices on March 20, 2006 at 7:00 p.m., there were:

PRESENT: Jim Shattuck, Paul Tunell, Stan Nave, Carrie Webster, Rosie Ferris, Ann Randall, Bernie Russell

ABSENT: None

The following preamble and resolution were offered by Ann Randall and supported by Paul Tunell.

**MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT RESOLUTION**

**WHEREAS**, the Village intends to make certain improvements to the roads and highways within the Village (the “Project”) and desires to finance a portion of the cost of the Project by issuing bonds;

**WHEREAS**, the Village intends to finance a substantial portion of the costs of the Project through the issuance of tax-exempt bonds in a maximum principal amount of \$550,000 (the “Bonds”); and

**WHEREAS**, a portion of the bonds will be funded from Federal funds to be received through the Michigan Department of Transportation.

**NOW THEREFORE**, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF LYONS as follows:

1. The Village approve contract number 05-5475 received from the Michigan Department of Transportation and attached (the “Contract”).
2. The Village authorizes the Village President, Village Clerk and Village Treasurer to sign and authorize the “Contract”.
3. All resolutions and parts of resolution insofar as they conflict with the provisions of this resolution are hereby rescinded.

A vote on the foregoing resolution was taken and was as follows:

YES: Jim Shattuck, Paul Tunell, Stan Nave, Carrie Webster, Rosie Ferris, Ann Randall, Bernard Russell

NO: None

ABSTAIN: None

**CLERK’S CERTIFICATE**

The undersigned, being the duly qualified and acting Clerk of the Village, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Village Council at a meeting of the Village Council, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Date: March 21, 2006

Jill Stilson

Jill Stilson, Village Clerk

Motion offered by Trustee Randall to appoint Bernie Russell as Street Administrator, second by Trustee Shattuck, **Motion carried by voice vote.**

Motion offered to approve February 2006 minutes as amended by Trustee Tunell, second by Trustee Randall, **Motion carried by voice vote.**

Trustee Webster asked to have comment changed from "noted" to explained why the Presidents wage was changed from 900.00 back to the 2400.00 and noted that paper work handed out stated that the change could not be made as long as he retain this position.

Trustee Nave has done some research concerning the Dale Leiter property, and also contacted the contractor about the water and sewer lines, which was moved from the house addressed at 250 S. Hawley to the trailer pad addressed as 252 S. Hawley. Trustee Nave stated that we were billing for utility on a house that does not have a certificate to occupy. The Village should expect to receive a notice for a lawsuit concerning this property should we continue to bill for the ready to serve charge. The bills are not in the property owners name and it is doubted we will be able to get the current owners name or address. It was explained that that information is public knowledge and we can look it up on the tax rolls.

Trustee Nave asked about the abandoned streets, are we still going ahead with this, Susan Craft stated that a list was being gathered. Craft also stated that we can no longer just take it to the Court House, Diane of Register of Deeds, suggested we contact Maynard Dryer, (517) 241-6319, of the State Land Subdivision Control office regarding Village abandonment of existing street easements. Trustee Shattuck asked if it will be going to the street committee before a decision is to be made.

Craft stated that Mr. Dyer said the Village can terminate Public interest in a street by resolution but abandonment must be done through circuit court showing the new plat with the new enlarged lots. Cited Section 256, and sections 221-229 as reading material.

The Village will still have to hold a public meeting concerning these closings.

Events Committee member Bryon Bennett, asked 1) if the profit made at the Fest would be going toward the next Fest or other planned events in the future. 2) Was the Street Dance approved, is their any liability issues? President Russell stated that we will look into it, but it was not an issue in the past. Event Committee is expecting to spend the sponsorship money gathered for the event, and any profits from these events will go toward the next event as well as having the money on hand for next year. It was explained that all money earned at any event is placed into the accounts relating to these events, and it does belongs to the Village. This money can be spent as the council directs. The Village Council needs to have accountability for any money coming in and going out. Trustee Ferris stated that the Fest Committee did a very good job last year, and we trust you to do the same this year.

Motion offered by Trustee Webster, second by Trustee Shattuck to approve the accounts payables. **Motion carried by voice vote.** Clerk Stilson noted that we have received the interest statement for the water bond, and the final bill from Muir for the sewer grant payment of \$13,330.00. Also from Muir, a bill for half of the recycle bill for \$49.00 per month,

Treasurers Report – Linda Rairigh

Linda Rairigh reviewed the cash summary report. Balance sheet adjustments were made and noted that Dick Baldermann will be in to pick up the information to start our audit. Motion to

accept the Treasurers report offered by Trustee Webster, second by Randall. **Motion carried by voice vote.**

Trustee Webster asked about the postage meter, and if it had been ordered yet. Clerk Stilson stated that we were looking into going with bulk mail instead, but we need to have a minimum of three hundred fifty pieces per mailing, and we do not qualify.

## **COMMITTEE REPORTS;**

### Street Committee – Ann Randall, Chair

Bonds explained by Linda Rairigh, all information has been given to the Bond Attorneys

### Finance Committee – Carrie Webster, Chair

Nothing at this time

### Personnel Committee – Bernie Russell, Chair

Trustee Randall stated these concerns will be going to the Personnel Committee;

1. Non-emergency concerns are to be brought to the attention of council members at regular council meetings. WHEN A DEPARTMENT HEAD OR VILLAGE EMPLOYEE HAS AN ISSUE REQUIRING IMMEDIATE ATTENTION THE DIRECT SUPERVISOR IS TO BE CONTACTED FIRST. IF THAT SUPERVISOR IS NOT AVAILABLE NEXT TO CONTACT WILL BE THE VILLAGE PRESIDENT. Issues requiring immediate attention must still be summarized at the regular meeting of the council.
2. E-mails should be sent strictly on business issues, such as reports or updates they are not for nit-picking or complaining about an employee. Personal issues are to be dealt with at either a committee meeting or a regular council meeting. Any e-mail involving remarks about other employees or those not sent in a business format will not be acknowledged. If work related problems continue to be a problem between departments, a time clock will be installed and a daily summary report of time worked and tasks accomplished will be provided by each employee to the council for review. A month-end summary report of hours worked, sick days, vacation and personal days is to be included in everyone's monthly packets.
3. Each employee has a job description and will adhere to their own job description and departments, unless your own Department Supervisor or the President request otherwise. THE COUNCIL WILL MAKE THE DECISIONS! It is not the employees' job to dispute or demand what or to whom the council can give or take from in personnel policies.
4. THE PRESIDENTS JOB IS TO SEE THAT POLICY AND PROPER PROCEDURES ARE FOLLOWED. REMEMBER, THE VILLAGE OF LYONS, THE PRESIDENT AND COUNCIL ARE YOUR EMPLOYER AND THE EMPLOYER MAKES THE DECISIONS, and it is your job to be the employee. I feel that as a Supervisor and a Council Person I have tried to listen and be fair. It seems that by doing so I have accomplished very little. I will be asking the Personnel Committee and the Council to help resolve issues between Departments. Together we can accomplish a lot. So I am asking everyone to work together to make the necessary changes.

Trustee Webster asked if it was wise to have the President as the Chair of a committee, as only two people are able to call committee meetings. Bernie Russell resigned as Chair of the Personnel Committee. Trustee Tunell suggested swapping to have another person from that committee as Chair. President Russell appointed Jim Shattuck to be Chair of the Personnel

Committee. Trustee Webster also asked if the village office hours were 8:00 to 4:30 and at that time work should stop and the staff is to leave. The time between closing and the next meeting, work is not to be done. You can either, go home and return before the meeting, or just sit in the office and not do any work; there will be no comp time.

Fire, Water and Sewer Committee – Paul Tunell, Chair

The VFW has moved the water softener for better access by the DPW.

Grants Committee – Jim Shattuck, Chair

Nothing at this time

Ordinance Committee – Carrie Webster, Chair

Ordinances are being reviewed and changes are being made. We will complete the changes and bring them to the council when all is completed. The next meeting will be March 22<sup>nd</sup> at 5:30 p.m. The April meeting will be set at the ordinance committee meeting.

Parks and Recreation – Rosie Ferris, Chair

Nothing at this time

Events Committee – Bryon Bennett speaker,

It was noted that the old Village Band Stand is behind the VFW, and is currently used for storage. Mr. Bennett stated that the committee is looking for the Council's intent to follow through with support for the upcoming events. A Guarantee that the money made by events will be used in future events. It was explained, again by Treasurer Linda Rairigh, that only the Council can decide where and how much money it spent. There is no "Guarantee".

The Lyons Recreation Plan expires at years end, and must be renewed. Clerk Stilson has contacted Dave Bee of the West Michigan Regional Planning Commission and has offered his bid of not more than \$1,600.00 to write another plan for the Village. It was requested to have Bryon Bennett included in the process of the five year planning.

Island Fest – moving along well.

- A Full Size Tractor pull will be on Saturday and Garden Tractors on Sunday. Tractor group must supply liability insurance and hold the Village harmless.
- Would like a multi-fire department water ball event.
- Car Show will be on the Island this year
- Food Booths have been lined up
- Attempting to have a Dish and large 60" screen TV to show the MIS Race on Sunday, to be delivered on Saturday from Rent-A-Center delivered on Saturday.
- Would like to have parking on the point for tractors and trailers, contact Bernie Russell

Tabled Items: Nothing

New Business: Village and Town MDOT meeting Wednesday, March 29<sup>th</sup> at 1:00 p.m. at the Ionia County Road Commission. This is a good place to learn about how the road projects are started. Lyons has projects in the future plans, Libhart and W. Bridge and downtown Lyons.

Susan Craft stated they are trimming downed trees from the wind storm. Trustee Webster stated that a tree is a commodity; it is to be taken to the dump until there is a quantity to sell, than

advertise it. We are leaving the gate open because we are not hauling people leaves this year, we don't have time for it. Many are taking theirs to the dump because of the item in the newsletter.

Susan Craft noted in the DPW Report that we are short a council person on the Wellhead Protection Committee, Trustee Paul Tunell stated he would be interested in being on the committee.

Council Comment: Nothing at this time

Adjourn: Motion to adjourn at 9:20 p.m. and move into a closed session, offered by Trustee Carrie Trustee Webster, second by Trustee Tunell. **Motion carried by voice vote.**

Motion to move to close session for Personnel concerns offered by Trustee Webster, second by Trustee Paul Tunell. **Motion Carried be voice vote.**

CERTIFICATION

I, Jill Stilson, hereby certify that the foregoing is a true and complete copy of village regular meeting minutes adopted by the Village Council of the Village of Lyons, County of Ionia, and the State of Michigan, at a meeting held on March 20, 2006. Public notice of said meeting was given pursuant to and in compliance with the Open meetings Act, Act no. 267 of the Public Acts of Michigan 1976, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated April 17, 2006

Jill Stilson  
Jill Stilson, Village Clerk